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09/697,557	10/26/2000	Charles C. Freeny JR.	2551.049	3375

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EXAMINER

WINTER, JOHN M

ART UNIT PAPER NUMBER

3621

DATE MAILED: 12/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/697,557

Applicant(s)

FRENEY, CHARLES C.

Examiner

John M Winter

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 37-49 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-13, 15-19, 21-24, 26, 28-30 and 32-34 is/are rejected.
- 7) ☒ Claim(s) 7-9, 14, 20, 27, 31 and 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Pri rity under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 3621

## **DETAILED ACTION**

### ***Election/Restrictions***

- Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 1-36 drawn to authorizing and identifying customers via proximity code system, classified in class 705 subclass 76.
  - II. Claims 37-47, drawn to trending technology requirements and customer needs, classified in class 705 subclass 11.
  - III. Claims 48 drawn to integrating a plurality of software programs, classified in class 705 subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions I, II and III are different in function and operation.

Via Paper No 6 filed August 25, 2003 a provisional election was made without traverse to prosecute the of invention I, claims 1- 36. Affirmation of this election must be made by applicant in replying to this Office action. Claims 37-48 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

The requirement is still deemed proper and is therefore made FINAL.

Claims 1-36 have been examined

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6,10-13,15-19,21-24,26,28-30, and 32-34 are rejected under 35 U.S.C. 103(a) as being anticipated by Dickson et al. (US Patent 6,574,603) in view of Sehr (US Patent 6,609,659)

As per claim 1,

Dickson et al. ('603) discloses a method for managing a plurality of proximity service systems, comprising the steps of:

Art Unit: 3621

storing in a proximity service provider computer system a plurality of proximity service codes, each proximity service code being uniquely associated with one or more proximity service systems, each proximity service system providing a predetermined service in response to receiving an authorization code from a proximity authorization unit; (Figure 11a)

providing access to the proximity service codes stored in the proximity service provider computer system to a customer;(Figure 11a)

receiving from the customer the customer's selection of one or more of the proximity service codes stored in the proximity service provider computer system by inputting a customer code uniquely identifying the particular customer and an identification of the selected proximity service codes;(Figure 11a)

Dickson et al. ('603) does not explicitly disclose providing to the customer by the proximity service provider computer system a proximity authorization code unique to the customer for the selected proximity service code and unique for the selected proximity authorization unit and a system customer code uniquely identifying the customer, the proximity authorization code permitting the customer to operate proximity service systems associated with the proximity service code by outputting the proximity authorization code by the customer using the customer's proximity authorization unit for activating one of the proximity service systems associated with the selected proximity service codes to provide the predetermined service. Sehr ('659) discloses providing to the customer by the proximity service provider computer system a proximity authorization code unique to the customer for the selected proximity service code and unique for the selected proximity authorization unit and a system customer code uniquely identifying the customer, the proximity authorization code permitting the customer to operate proximity service systems associated with the proximity service code by outputting the proximity authorization code by the customer using the customer's proximity authorization unit for activating one of the proximity service systems associated with the selected proximity service codes to provide the predetermined service. (Figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Dickson et al. ('603) system with the Sehr ('659) method in order to promote security of the customers transaction

As per claim 2,

Dickson et al. ('603) discloses the method of claim 1,

further comprising the steps of: displaying to the customer a list of proximity authorization units by the proximity service provider computer system that are available to authorize the proximity service systems associated with the selected proximity service codes; and receiving from the customer the customer's selection of at least one of the displayed proximity authorization units.(Figure 9)

As per claim 3,

Dickson et al. ('603) discloses the method of claim 1,

further comprising the step of establishing the proximity service provider computer system as a web site on the Internet.(Column 14, lines 30-33)

As per claim 4,

Dickson et al. ('603) discloses the method of claim 1,

Art Unit: 3621

further comprising the step of receiving information, by the proximity service provider computer system, from the proximity service systems indicating usage of the proximity service systems, the information including proximity authorization codes identifying the customers using the proximity service systems, and proximity service codes identifying the proximity service systems. (Figure 10a)

As per claim 5,  
Dickson et al. ('603) discloses the method of claim 4,  
further comprising the steps of collecting money from a third party based on the information received by the proximity service provider computer system indicating usage of the proximity service systems; and placing the money into a predetermined account of an owner of at least some of the proximity service systems.(Column 19, lines 1-14)

As per claim 6,  
Dickson et al. ('603) discloses the method of claim 5,  
Official Notice is taken that "the third party is a legacy card company" is common and well known in prior art in reference to commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the third party is a legacy card company because allows to use the convenience of using a preexisting credit account.

As per claim 10,  
Dickson et al. ('603) discloses the method of claim 4,  
further comprising the step of outputting a statement for each customer identified by the proximity authorization codes received by the proximity service provider computer system indicating usage of the proximity service systems.(Column 11, lines 44-50)

As per claim 11,  
Dickson et al. ('603) discloses the method of claim 10,  
Official Notice is taken that "the statement includes the location of the proximity service systems providing the predetermined services, the amounts paid, and the dates of the providing of the predetermined services" is common and well known in prior art in reference to commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the statement includes the location of the proximity service systems providing the predetermined services, the amounts paid, and the dates of the providing of the predetermined services because allows to use the convenience having a permanent record of the transaction.

As per claim 12,  
Dickson et al. ('603) discloses the method of claim 1,  
further comprising the steps of: providing access to the proximity service codes stored in the proximity service provider computer system to an operator; (Figure 9) receiving from the operator the operator's selection of one or more of the proximity service codes stored in the proximity service provider computer system by inputting an identification of the selected proximity service codes.(Figure 10a)

Art Unit: 3621

As per claim 13,  
Dickson et al. ('603) discloses the method of claim 12,  
further comprising the step of receiving information, by the proximity service provider computer system, from the proximity service systems indicating usage of the proximity service systems, the information including proximity authorization codes identifying the customers using the proximity service systems, and proximity service codes identifying the proximity service systems.(Column 11, lines 44-50)

As per claim 15  
Dickson et al. ('603) discloses the method of claim 1,  
herein the proximity service systems are selected from a group of proximity service systems comprising access services, vending machine services, vehicle services, meter services, audio and/or video communication services, and toll services.(Figure 9)

As per claim 16  
Dickson et al. ('603) discloses the method of claim 1,  
Official Notice is taken that "an owner of the proximity service provider computer system guarantees payment to an owner of at least one of the proximity service systems when the proximity service system owned by the owner is operated by a proximity authorization code provided to the customer by the proximity service provider computer system" is common and well known in prior art in reference to commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made that an owner of the proximity service provider computer system guarantees payment to an owner of at least one of the proximity service systems when the proximity service system owned by the owner is operated by a proximity authorization code provided to the customer by the proximity service provider computer system because allows to owner to make a profit from the proximity service system.

As per claim 17  
Dickson et al. ('603) discloses the method of claim 1,  
wherein in the step of storing in the proximity service provider computer system the plurality of proximity service codes, the proximity service provider computer system is defined further as a plurality of Web sites established on the Internet.(Column 14, lines 30-33)

As per claim 17  
Dickson et al. ('603) discloses the method of claim 17,  
wherein in the step of storing in the proximity service provider computer system the plurality of proximity service codes, each of the Web sites is directed to providing services for at least one type of proximity service system selected from the group comprising access services, vending machines services, vehicle services, meter services, audio and/or video communications services, and toll services.(Column 14, lines 30-33)

As per claim 19  
Dickson et al. ('603) discloses the method of claim 1,

Art Unit: 3621

Dickson et al. ('603) does not explicitly disclose providing access to a plurality of individualized predetermined payment methods to the customer; receiving from the customer the customer's selection of one or more of the individualized predetermined payment methods. Sehr ('659) discloses providing access to a plurality of individualized predetermined payment methods to the customer; receiving from the customer the customer's selection of one or more of the individualized predetermined payment methods. (column 10, lines 27-35). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Dickson et al. ('603) system with the Sehr ('659) method in order to allow the customer to have flexibility in deciding a payment option.

As per claim 21

Dickson et al. ('603) discloses the method of claim 21,

Dickson et al. ('603) does not explicitly disclose providing access to a plurality of individualized predetermined payment methods to an owner of proximity service systems; and receiving from the owner of the owner's selection of one or more of the individualized predetermined payment methods. Sehr ('659) discloses providing access to a plurality of individualized predetermined payment methods to an owner of proximity service systems; and receiving from the owner of the owner's selection of one or more of the individualized predetermined payment methods (column 10, lines 27-35). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Dickson et al. ('603) system with the Sehr ('659) method in order to allow the customer to have flexibility in deciding a payment option.

As per claim 22

Dickson et al. ('603) discloses the method of claim 21,

wherein at least one of the individualized predetermined payment methods are PSPS cyber card codes for permitting local authorization of transactions at the proximity service system.(Figure 10a)

As per claim 23

Dickson et al. ('603) discloses the method of claim 21,

further comprising the step of outputting a cyber card code to be at least one of incorporated into and stored by selected proximity service systems associated with the owner.(Figure 10a)

As per claim 24

Dickson et al. ('603) discloses a method for authorizing a proximity service system to provide a predetermined service without obtaining remote authorization for each transaction, comprising the steps of:

storing, by the proximity service system, a service provider identification number and a cipher algorithm;(Figure 11a)

receiving, by the proximity service system, a customer access cyber card code;(Figure 11a)

Art Unit: 3621

processing, by the proximity service system, the customer access cyber card code with the cipher algorithm to produce a code;(Figure 11a)  
Dickson et al. ('603) does not explicitly disclose comparing, by the proximity service system, the service provider identification number with the code; and providing, by the proximity service system, the predetermined service if the service provider identification number corresponds with the code in a predetermined manner. Sehr ('659) discloses comparing, by the proximity service system, the service provider identification number with the code; and providing, by the proximity service system, the predetermined service if the service provider identification number corresponds with the code in a predetermined manner. (Column 6, lines 58-67). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Dickson et al. ('603) system with the Sehr ('659) method in order to promote security of the customers transaction

As per claim 26,

Dickson et al. ('603) discloses a proximity service provider system for managing a plurality of proximity service systems, the proximity service provider system comprising:  
at least one PSPS Web site established on the Internet, the PSPS Web site comprising:(Column 14, lines 30-33)

an owner database server receiving an owner's offering of proximity service systems, including a physical location for each proximity service system,(Figure 11a)

a customer database server permitting a customer to select proximity service systems identified by the stored proximity service codes in the owner database server, the customer database server receiving a customer's selection of proximity service systems offered by the owner of the proximity service systems, the customer's selection including a selection of a payment method from the predetermined payment methods for each proximity service system selected by the customer.(Figure 11a)

Dickson et al. ('603) does not explicitly disclose a payment method for each proximity service system and a financial location for depositing money collected from usage of the proximity service systems, each of the proximity service systems being identified by a stored proximity service code, the payment method selected by the owner for each proximity service system serving as a predetermined payment method for the particular proximity service system. Sehr ('659) discloses a payment method for each proximity service system and a financial location for depositing money collected from usage of the proximity service systems, each of the proximity service systems being identified by a stored proximity service code, the payment method selected by the owner for each proximity service system serving as a predetermined payment method for the particular proximity service system. (Figure 3). It would be obvious to one having ordinary skill in the art at the time the invention was made to combine the Dickson et al. ('603) system with the Sehr ('659) method in order to promote security of the customers transaction

As per claim 28,

Dickson et al. ('603) discloses the proximity service provider system of claim 26, wherein the owner database server receives information from the proximity service systems indicating usage of the proximity service systems, the information including proximity

Art Unit: 3621

authorization codes identifying the customers using the proximity service systems, and proximity service codes identifying the proximity service systems. (Figure 10a)

As per claim 29,  
Dickson et al. ('603) discloses the proximity service provider system of claim 28, further comprising the steps of collecting money from a third party based on the information received by the owner database server indicating usage of the proximity service systems; and placing the money into the financial location designated by the owner of at least some of the proximity service systems.(Column 19, lines 1-14)

As per claim 30,  
Dickson et al. ('603) discloses proximity service provider system of claim 29,  
Official Notice is taken that "the third party is a legacy card company" is common and well known in prior art in reference to commerce. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the third party is a legacy card company because allows to user the convenience of using a preexisting credit account.

As per claim 32,  
Dickson et al. ('603) discloses the proximity service provider system of claim 28, wherein the customer database server outputs a statement for each customer identified by the proximity authorization codes received by the owner database server indicating usage of the proximity service systems.(Column 11, lines 44-50)

As per claim 32,  
Dickson et al. ('603) discloses the proximity service provider system of claim 26, further comprising an operator database server permitting an operator to select proximity service systems identified by the stored proximity service code in the owner database server.(Figure 10a)

As per claim 34,  
Dickson et al. ('603) discloses the proximity service provider system of claim 33, wherein the operator database server receives information from the proximity service systems indicating usage of the proximity service systems, the information including proximity authorization codes 5 identifying the customers using the proximity service systems, and proximity service codes identifying the proximity service systems. (Column 11, lines 44-50)

As per claim 36  
Dickson et al. ('603) discloses the proximity service provider system of claim 35, wherein the proximity service systems are selected from a group of proximity service systems comprising access services, vending machine services, vehicle services, meter services, audio and/or video communication services, and toll services.(Column 14, lines 30-33)

Art Unit: 3621

*Allowable Subject Matter*

Claim 25 is allowed.

Claims 7-9, 14,20,27,31,and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

Examiners note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

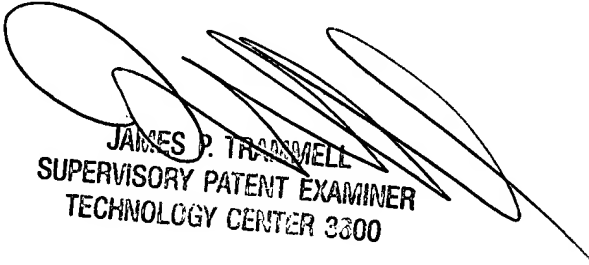
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M Winter whose telephone number is (703) 305-3971. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on (703)305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JMW

November 17, 2003

  
JAMES P. TRAMMELL  
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